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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,515	05/03/2001	Matti Kantola	617-010289-US(PAR)	7554
2512	7590	12/17/2007	EXAMINER	
PERMAN & GREEN			DAO, MINH D	
425 POST ROAD			ART UNIT	PAPER NUMBER
FAIRFIELD, CT 06824			2618	
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			12/17/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/848,515	<b>Applicant(s)</b> KANTOLA ET AL.	
	<b>Examiner</b> MINH D. DAO	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 10/03/07 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 8-10, 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weatherspoon et al. (US 7,174,564) in view of Fox et al. (US 5,943,624)

Regarding claim 1, Weatherspoon teaches a portable communications device comprising communication means for communicating with a second device, and identification means, separate from the communication means, the identification means arranged to independently provide information identifying the portable communications device, from the identification means to the second device, to establish a communication connection between the communication means and the second device (see figs. 1, 2 and 3s; col. 3, line 39 to col. 5, line 37). However, Weatherspoon does not

Art Unit: 2618

mention two independent communication set-up links, one that is used for transmitting transaction information and another that is used for transmitting identification information relating to the particular portable communication device as amended in the claim. Fox, in an analogous art, teaches an RF Smartcard Interface included in a cellular phone. The whole unit of Fox is capable of providing two different communication links, one is for handshaking, regarding security purpose, between the unit and a Banking Institution (ATM) and the other link is for communication or transaction (see figs. 2-5; col. 2, line 43 to col. 5, line 46). Therefore, it would have been obvious to one of ordinary skilled in the art at the time of the invention was made to provide the above teaching of Fox to Weatherspoon for the purpose of ensuring security for phone subscriber when wirelessly making transaction at ATM or banking institution as taught by Fox.

Regarding claim 8, Weatherspoon and Fox, once combined, teach that the information provided by the identification means comprises one or more of the following: identity of the device; address of the device when the communication means are used; and identity of the user (see Weatherspoon, col. 4, lines 1-22).

Regarding claim 9, Weatherspoon and Fox, once combined, teach that the second device is one of the following devices: point of sale device; ticket gate device; and information kiosk or point of service device as mentioned in applicant remarks dated

Art Unit: 2618

3/23/07 (page 6) (see Access Point of Weatherspoon and also see Fox, figs. 2-5; col. 2, line 43 to col. 5, line 46).

Regarding claim 10, , Weatherspoon and Fox, once combined, teach that the first communication with the second device is a wireless link (see fig. 2, wireless links 116 and 118 also see Fox, figs. 2-5; col. 2, line 43 to col. 5, line 46).

Regarding claim 16, the claim includes the limitations as that of claim 1, and therefore claim 16 is interpreted and rejected for the same reasons set forth in the rejection of claim 1.

Regarding claim 17, the claim includes the limitations as that of claim 1, and therefore claim 17 is interpreted and rejected for the same reasons set forth in the rejection of claim 1.

Regarding claim 18, Weatherspoon teaches that the second device comprises a portable communications device (see figs. 1, 2 and 3s; col. 3, line 39 to col. 5, line 37 also see Fox, figs. 2-5; col. 2, line 43 to col. 5, line 46).

1. Claims 2-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weatherspoon et al. (US 7,174,564) in view of Fox (US 5,943,624) and further in view of Hunt et al. (US 6,539,422).

Regarding claim 2, the combination of Weatherspoon and Fox, as mentioned above, teaches the limitations of claim 1, but does not disclose that the identification means comprises a bar code. Hunt, in an analogous art, teaches devices equipped with bar code, RF tags, or magnetic strips (see col. 1, lines 30-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the above teaching, mentioned in Hunt reference, to Weatherspoon and Fox for the purpose of providing users with variety of symbols having encoded data.

Regarding claims 3, and 4, the combination of Weatherspoon, Fox and Hunt obviously teaches the bar code is arranged on the exterior of the communications device or on the display as it is well known in the art.

Regarding claim 5, the combination of, the combination of Weatherspoon, Fox and Hunt teaches that the identification means comprises a radio frequency tag (see Weatherspoon, col. 1, lines 30-44).

Regarding claim 6, the combination of Weatherspoon, Fox and Hunt teaches that the identification means comprises a magnetic data carrying arrangement (see Weatherspoon, col. 1, lines 30-44 also see Fox, figs. 2-5; col. 2, line 43 to col. 5, line 46).

Art Unit: 2618

Regarding claim 6, the combination of Weatherspoon, Fox and Hunt teaches that the magnetic data carrying arrangement comprises a magnetic strip (see Weatherspoon, col. 1, lines 30-44).

2. Claims 11-15,19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weatherspoon et al. (US 7,174,564) In view of Fox (US 5,943,624) and further in view of Cameron et al. (US 2003/0055735).

Regarding claims 11-15,19, Weatherspoon and fox do not mention that high frequency of Bluetooth and Infrared links are in the Giga Hertz range. However, Cameron, in an analogous art, teaches a mobile phone equipped with Bluetooth or infrared devices capable of operating in 2.4 ghz band (see sections [0015 and 0169]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the above teaching of Cameron to Weatherspoon and Fox in order for the combined system to communicate with other devices that come within range as taught by Cameron (see abstract of Cameron also see Fox, figs. 2-5; col. 2, line 43 to col. 5, line 46).

### ***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 2618

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH D. DAO whose telephone number is 571-272-7851. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW ANDERSON can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2618

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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